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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,592	02/07/2000	James P. Jackson	M-7876 US	1483

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EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/16/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/499,592

Applicant(s)

JACKSON ET AL.

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to the amendment filed on February 26, 2002 in which applicant amends claims 1, 15, 21 and responds to the claim rejections.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 11 recites the limitation "secondary jackpot" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-13 and 15-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al.

Wood et al. (U.S. 5,858,619) discloses a progressive gaming control/communication system and method for playing a poker game having a plurality of progressive jackpots that is implemented in a slot machine(s). Wood et al. additionally discloses:

Regarding Claims 1, 7, 8, 11, 12, 13, 15 and 20:

- a gaming system having plurality of progressive jackpots for a royal flush, straight flush, four of a kind, full house, flush, straight, three of a kind, two pair,

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and sixes or better, in which a plurality of progressive jackpots can be won simultaneously depending on the number of card hands a player has placed a wager and if a predetermined winning outcome is obtained. Hence, one or multiple jackpots can be won (Figures 2A-3B, Abstract, Column 2, lines 33-52, Column 4, lines 23-Column 5, line 6, Column 8, lines 30-42, and Claim 1);

- an award identifier identifying a payment to the player for winning combinations of symbols, including one or more of the jackpots for a jackpot symbol combination (Figures 2A-3B, Column 5, lines 10-27, and Column 6, lines 54-57).

Regarding Claims 2, 3, 16 and 17:

- the display portion displaying the rotatable reels rotated by motors on the display screen (Claim 6 and Figures 2A-4B).

Regarding Claims 4 and 18:

- the second monetary amount is greater than the first monetary amount (Column 7, lines 8-23, and Figures 2C, and 2D).

Regarding Claims 5 and 19:

- the first jackpot is accumulated at X percent of monetary amounts received by the gaming system, and the second jackpot is accumulated at Y percent of the monetary amounts received by the gaming system, wherein Y is greater than X (Column 4, lines 58-65, and Figures 2C, and 2D). As a player wagers additional money, more money is allocated to the jackpot. Hence, a larger jackpot is available to win.

Regarding Claim 6:

- the award identifier identifies the payment of the player of at least the total of the first jackpot and the second jackpot for a jackpot symbol combination when the player has bet the second monetary amount (Figures 2A-3B, Column 5, lines 10-27, and Column 6, lines 54-57).

Regarding Claim 8:

- the third monetary amount is greater than the second monetary amount (Column 7, lines 8-23, and Figures 2C, and 2D).

Regarding Claims 9 and 21:

- the gaming system comprises a single slot machine, wherein the plurality of progressive jackpots are associated with the single slot machine (Column 2, lines 35-44). A single slot machine system described throughout the specification.

Regarding Claims 10 and 22:

- the gaming system comprises a group of slot machines, and monetary amounts received by any of the slot machines in the group of slot machines contributes to the plurality of progressive jackpots (Column 2, lines 35-44).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. in view of Piechowiak.

Wood et al. (U.S. 5,868,619) discloses that as discussed above regarding claims 1-13 and 15-22. Wood et al. seems to lack explicitly disclosing:

Regarding Claim 14, the system having at least one slot machine having nine paylines, wherein a plurality of monetary units are bet to activate all nine paylines.

Piechowiak (U.S. 5,807,172) shows a three reel slot machine having nine ways to win, wherein each payline is illuminated as each coin is bet. Piechowiak also shows progressive jackpots won on a slot machine gaming system. Piechowiak shows:

Regarding Claim 14, the system having at least one slot machine having nine paylines, wherein a plurality of monetary units are bet to activate all nine paylines (Abstract, Figs. 2-7, Column 2, lines 8-30).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the multi-payline feature of Piechowiak in Wood et al. Doing so would enable a player the possibility to win one of a plurality of progressive jackpots on each activated payline during each spin adding excitement to the game and possibly increasing casino operators profit.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Scott E. Jones  
Examiner  
Art Unit 3713

SEJ

sej  
May 15, 2002

11-11-02  
Joe H. Cheng  
Primary Examiner

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

**Failure to take corrective action within the set period will result in ABANDONMENT of the application.**